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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

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1997/50. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Taking particular account of the principle of the independence of the judiciary,

Recalling its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993, 1994/32 of 4 March 1994, 1995/59 of 7 March 1995 and 1996/28 of 19 April 1996,

Bearing in mind that, in accordance with resolution 1991/42, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Having considered the report of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1-3),

1. Takes note:

(a) Of the work of the Working Group on Arbitrary Detention and its efforts to revise its methods of work, and underlines the initiatives it has taken to strengthen cooperation and dialogue with States and for the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(b) Of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights, other relevant United Nations bodies and treaty-monitoring bodies, as well as to strengthening the role of the Centre for Human Rights in such coordination, and encourages the Working Group to take all the necessary steps to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

(c) Of the report of the Working Group (E/CN.4/1997/4 and Add.1-3);

2. Invites the Working Group in discharging its mandate, to continue:

(a) To seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

(b) To re-examine its methods of work, in particular those relating to the admissibility of communications received, to the "urgent appeals" procedure and to the deadlines set for Governments to reply to requests concerning individual cases, and, in the application of the 90-day deadline for replies, to show flexibility as appropriate by granting an extension of this deadline where necessary without, however, prejudging its final conclusions, and to report regularly to the Commission, in its annual report, on these matters;

(c) To carry out its task with discretion, objectivity, impartiality and independence, within the framework of its mandate, and the independent experts to continue to perform their task with rigour, having regard to the very specific nature of their mandate, and to respond effectively to credible and reliable information that comes before them;

(d) To take gender-specificity into account in its reports, including by giving particular attention to the situation of women subjected to arbitrary deprivation of liberty;

3. Considers that the Working Group, within the framework of its mandate, and aiming still at objectivity, could take up cases on its own initiative;

4. Requests the Working Group to devote all necessary attention to reports concerning the situation of immigrants and asylum seekers who are allegedly being held in prolonged administrative custody without the possibility of administrative or judicial remedy, and to include observations on this question in its report to the next session of the Commission on Human Rights;

5. Takes note of the decision taken by the Working Group not to apply the International Covenant on Civil and Political Rights to States which are not yet parties thereto and requests the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, not to apply other relevant international legal instruments to States which are not yet parties thereto;

6. Appeals, in this connection, to States which have not yet done so to consider acceding to or ratifying those international instruments, and to States which have entered reservations to consider withdrawing them;

7. Takes note also of the decision of the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, to give views rather than take decisions;

8. Requests Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

9. Encourages Governments concerned:

(a) To pay attention to the recommendations of the Working Group concerning persons mentioned in its report, who have been detained for a number of years;

(b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned, and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

10. Encourages all Governments to invite the Working Group to their countries in order that it may fulfil its mandate even more effectively;

11. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final conclusions;

12. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

13. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

14. Requests the Secretary-General:

(a) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) To ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions;

15. Decides to renew, for a three-year period, the mandate of the Working Group composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned;

16. Requests the Working Group to submit to it, at its fifty-fourth session, a report on its activities and on the implementation of this resolution, and include any suggestions and recommendations which would enable it to discharge its task in the best possible way, and to continue its consultations to that end within the framework of its terms of reference;

17. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

64th meeting
15 April 1997
[Adopted without a vote. See chap. VIII.]

1997/51. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Deeply gratified by the signing of the Agreement on a Firm and Lasting Peace by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) on 29 December 1996, which brought an end to the period of the most serious violations of human rights and to the internal armed conflict and concluded the negotiation process,

Recognizing the importance of the role played in these negotiations by the moderator appointed by the Secretary-General and the importance of the participation of the Group of Friendly Countries composed of Colombia, Spain, the United States of America, Mexico, Norway and Venezuela, and of the valuable contributions of the Civil-Society Assembly and other national and international actors,

Encouraged by the measures already taken by the signatories of the peace agreements to give effect to those agreements, such as the creation of the Follow-up Commission, the actions of the Guatemalan Government, the demobilization of URNG combatants under the supervision of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) within a period of 60 days beginning on 3 March 1997, as established in the timetable adopted for the implementation of the agreements from January 1997 to 31 December 2000, and the proper observance of the timetable,

Encouraged also by the international support for the Guatemalan Peace process, both in political terms, with the approval by the Security Council on 20 January 1997 of the formation of a military component of MINUGUA to verify the definitive ceasefire and the recent extension of MINUGUA's mandate in March 1997, and in economic terms, with the approval of funds for cooperation in implementating the commitments made in the peace agreements, at the meeting of the Donor Consultative Group held in Brussels on 21 and 22 January 1997,

Having considered with satisfaction the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1997/90) and having studied its conclusions and recommendations, expresses its gratitude for the report and for the way in which she has discharged her mandate, as well as for the reports submitted to the Secretary-General by MINUGUA,

Concerned by the fact that violations of human rights and acts of violence continue to occur in which, in some cases, members of the armed and security forces and other government officials participated, although the policies and actions of the Government are opposed to such acts and seek to put an end to them,

Regretting the human rights violations, both individual and collective, the marginalization and discrimination that the indigenous populations in Guatemala suffered and are suffering, together with the continued deterioration of the economic and social situation, with its serious consequences for the great majority of the population, particularly for the indigenous peoples of Guatemala and the most vulnerable sectors of Guatemalan society,

1. Expresses its deep appreciation to the Government of Guatemala and URNG for their extraordinary efforts in concluding the Peace negotiations in 1996, to the moderator appointed by the Secretary-General for his invaluable

contribution, to the Group of Friendly Countries for their efforts in advancing the Peace process and bringing it to a successful conclusion and to the Civil-Society Assembly for its valuable contribution to the drawing up of the agreements signed;

2. Recognizes the efforts of the Guatemalan Government in the field of human rights and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to protect and promote human rights and fundamental freedoms, taking into account the recommendations of the independent expert, the contributions of MINUGUA and the commitments made in the Peace agreements on the basis of the timetable for their implementation;

3. Regrets that, notwithstanding the efforts of the Government and the extraordinary developments in the area of peace, acts of violence persist, including violations of the right to life and physical integrity, and that impunity also continues to exist, and expresses its concern that the National Reconciliation Act might be used as an instrument for granting impunity to State officials involved in serious violations of human rights and criminal acts committed in the armed conflict;

4. Recognizes the work done by the Human Rights Procurator in the defence of human rights and fundamental freedoms and exhorts the Government of Guatemala to guarantee the conditions for the strengthening of his activities through the adoption of legislative measures to enable him to participate in judicial proceedings relating to human rights violations;

5. Recognizes also the valuable role played by the non-governmental human rights organizations in defending and promoting human rights and in combating impunity for violators of human rights and requests the Government to facilitate their activities and the use of advisory services in the field of human rights;

6. Expresses its confidence that the Government of Guatemala, URNG and all those responsible for compliance with the Peace Agreements will take steps to fulfil the commitments made, in strict accordance with the timetable for the implementation of the Peace agreements and on the basis of the spirit and letter of the Agreement on a Firm and Lasting Peace, following the recommendations and guidelines of the Follow-up Commission;

7. Is confident that the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan people to suffer, coordinated by Mr. Christian Tomuschat, will begin its work as soon as

possible and requests the international community and the Government to extend full cooperation to the Commission, including access to any confidential information, and provide it with the necessary resources and time needed to carry out its mandate in accordance with the relevant agreements;

8. Calls upon the Government of Guatemala, URNG and Guatemalan society as a whole to make every possible effort to familiarize the Guatemalan people with the content of the Peace agreements as quickly as possible, to ensure the full participation of the people in building the new multi-ethnic, multicultural and plurilingual nation, establishing a democratic society with social justice, initiating a period of sustained and sustainable economic and social development and ensuring the pre-eminence of civilian authority in national decision-making;

9. Also calls upon the Government of Guatemala to continue, on the basis of the Agreement on a Firm and Lasting Peace and in accordance with its timetable, to adopt and develop concrete measures against extreme poverty, using national resources and with international support, with a view to enabling the population to attain better living standards, giving priority to economic and social development programmes which respond adequately to the most urgent needs of the Guatemalan people in general and the indigenous communities in particular;

10. Further calls upon the Government of Guatemala, in order to preserve broad support for the Peace agreements and foster enthusiasm for compliance with them, to seek dialogue with all sectors and to use concertation as a way of resolving social and economic conflicts, particularly those relating to the tenure and use of land and those affecting the rights of workers;

11. Requests the Congress of the Republic to conduct its legislative work with the firm resolve of adhering to the letter, spirit and overall perspective of the Peace agreements and to seek the broadest possible consensus for the adoption of laws, both those deriving from the Peace agreements and ordinary laws, so as to ensure that they become effective instruments for the transformation of the State and society provided for in the agreements;

12. Requests the judicial authorities, in coordination with the Executive Power, the Congress of the Republic and the Commission on the Strengthening of the Justice system, to expedite the restructuring and

consolidation of the judicial system on the basis of the Peace agreements and their timetable, so as to fully guarantee the rule of law, the application of justice, unconditional observance of human rights and the elimination of impunity, particularly for violators of human rights;

13. Welcomes with satisfaction the signing of the agreement on the provision of advisory services in the field of human rights between the Government of the Republic of Guatemala and the Centre for Human Rights and requests the Secretary-General to develop as quickly as possible specific programmes for the strengthening and development of governmental and non-governmental human rights organizations, using the resources provided for in the agreement;

14. Expresses its deepest appreciation to the independent expert, Mrs. Mónica Pinto, for the professional, competent and independent manner in which she has discharged her mandate and regrets her resignation presented to the Secretary-General in March this year;

15. Requests the Secretary-General to send a mission to Guatemala at the end of 1997, within the approved overall budget for the current biennium, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evolution of the situation of human rights in Guatemala in the light of the implementation of the Peace Agreements, taking into account the verification work done by MINUGUA and the information submitted by the Government of Guatemala, the Follow-up Commission on the compliance with the Peace Agreements, the political organizations and the non-governmental human rights organizations, as well as on the implementation of the agreement on the provision of advisory services in the field of human rights signed by the Government of Guatemala and the High Commissioner for Human Rights, with a view to concluding the consideration of the case of Guatemala in the agenda of the Commission;

16. Decides to consider this question at its next session under the agenda item on advisory services in the field of human rights.

64th meeting
15 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/52. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the Principles embodied in the Charter of the United Nat the Universal Declaration of Human Rights and the International Covenants Human Rights,

Reaffirming that all Member States have the obligation to promote h rights and to fulfil the obligations they have undertaken under the vario instruments in this field,

Recalling its resolution 1996/58 of 19 April 1996 and General Asser resolution 51/110 of 12 December 1996,

Having in mind the report (E/CN.4/1997/89) of the independent exper Mr. Adama Dieng, appointed to consider the development of the human right situation in Haiti and to verify compliance by that country with its obligations in that field, and the recommendations contained therein,

Acknowledging the work done by the International Civilian Mission t Haiti, the United Nations Support Mission in Haiti and the National Commi for Truth and Justice, in the field of the diffusion of democratic princi and respect for human rights,

Welcoming the extension by the General Assembly in resolution 50/86 29 August 1996 of the mandate of the International Civilian Mission to Ha

Welcoming the improvements in the situation of human rights in Hait and noting the statements by Haitian authorities that the Government of H remains committed to upholding such rights,

Drawing attention to the need for the Haitian National Police to re technical training to enable it to perform its functions efficiently,

Emphasizing the need to strengthen the Haitian judicial and peniten system, particularly by the development of a broad programme of civic education and training in human rights and the introduction of legal serv in rural areas,

Expressing concern at the reports of cases of illegal and arbitrary detention,

Welcoming warmly the request for technical assistance and advisory services in the field of human rights addressed by the Government of Hait the Centre for Human Rights,

Expressing its satisfaction at the invitation to visit Haiti addressed by the Government of Haiti to the Special Rapporteur of the Commission on Human Rights on violence against women,

1. Thanks the Secretary-General and his Special Representative for the work done with a view to consolidating democratic Haitian institutions and respect for human rights in that country;

2. Welcomes the satisfactory evolution of the political process in Haiti, as reflected in particular in the holding of five elections that culminated with the presidential elections of 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents, and takes note of the partial parliamentary elections held on 6 April 1997;

3. Takes note with gratitude of the report (E/CN.4/1997/89) of Mr. Adama Dieng, independent expert of the Commission on Human Rights on the situation of human tights in Haiti, and of the conclusions and recommendations contained therein;

4. Welcomes the report of the National Commission for Truth and Justice, as well as the reports of the International Civilian Mission to Haiti on Haitian justice and respect for human rights by the National Police of that country, and urges the Government of Haiti, with the support of the international community, to take the necessary measures in accordance with the recommendations contained therein;

5. Recognizes the importance, from the standpoint of the realization of a genuine and effective transition and national reconciliation process, of the investigations undertaken by the National Commission for Truth and Justice and requests the Government of Haiti to have that Commission's report widely distributed throughout the country;

6. Requests the General Assembly to study the possibility of extending the mandate of the International Civilian Mission to Haiti which expires in June 1997;

7. Encourages the continuation of the inclusion of ethics courses in police training programmes, and takes note of the work of the general inspectorate to investigate human rights abuses perpetrated by members of the police with a view to strengthening reforms and putting an end to impunity;

8. Requests the Haitian Government to adopt a civics education programme to promote the creation of confidence between the population and the National Police;

9. Expresses its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions characteristic of that society in recent times;

10. Requests the Government of Haiti to adopt urgent measures to ensure respect for judicial guarantees, thereby putting an end to cases of illegal and arbitrary detention;

11. Supports the reform of the judicial system at present being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes its priority in the framework of the bilateral or multilateral assistance provided by the international community, including the United Nations Development Programme;

12. Encourages the international community to contribute generously to the Trust Fund for the Haitian National Police to be used, in accordance with the request of the Government of Haiti, to develop a technical advisory programme;

13. Welcomes the establishment of the programme of technical cooperation by the Centre for Human Rights aimed at strengthening institutional capacity in respect of human rights, particularly in the areas of legislative reform, the training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of this programme to the Commission on Human Rights at its fifty-fourth session;

14. Invites the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti;

15. Invites the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country;

16. Encourages the Government of Haiti to consider ratifying the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

and the Optional Protocols to the International Covenant on Civil and Political Rights, and to submit without delay its report to the Human Rights Committee;

17. Also encourages the Government of Haiti to study the possibility of establishing, with the assistance of the Centre for Human Rights, a national institution for the protection and promotion of human rights with the greatest possible participation of civil society;

18. Invites the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country;

19. Decides to continue consideration of this question at its fifty-fourth session, under the item entitled "Advisory services in the field of human rights".

64th meeting
15 April 1997

[Adopted without a vote. See chap. XVIII.]

1997/53. Situation of human rights in Nigeria

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights, most recently General Assembly resolution 51/109 of 12 December 1996 and Commission on Human Rights resolution 1996/79 of 23 April 1996,

1. Welcomes:

(a) The report on the situation of human rights in Nigeria submitted jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers and the addendum thereto (E/CN.4/1997/62 and Add.1);

(b) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity, and recalling in this regard the declaration by the Government of 1 October 1995;

(c) The commitment by the Government of Nigeria to remove all military personnel from the Civil Disturbances Tribunal and the special tribunals, to establish the opportunity for appeal and to re-establish the system of habeas corpus, and to allow the National Human Rights Commission to investigate human rights abuses;

(d) The resumption of dialogue between Nigeria and the Commonwealth;

2. Expresses its deep concern:

(a) At continuing violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(c) That the Government of Nigeria, despite earlier commitments, refuses to cooperate with the Commission, which prevented the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers from visiting Nigeria;

(d) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

3. Calls upon the Government of Nigeria:

(a) To ensure the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing respect for the rights of individuals, including persons belonging to minorities;

(b) To abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights

instruments, including the African Charter on Human and Peoples' Rights, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria (CCPR/C/79/Add.65);

(c) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(d) To ensure the independence of the National Human Rights Commission;

(e) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(f) To cooperate fully with the Commission and its mechanisms;

(g) To take concrete steps to restore democratic government without delay;

4. Decides:

(a) To invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria, with a mandate to establish direct contacts with the authorities and the people of Nigeria, and requests that the special rapporteur report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session, on the basis of any information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General, in the discharge of his good offices mandate and in cooperation with the Commonwealth, to continue further discussions with the Government of Nigeria and to report on progress in the implementation of the present resolution and possibilities for the international community to lend practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights and fundamental freedoms;

(c) To continue its consideration of the situation of human rights and fundamental freedoms in Nigeria at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

64th meeting
15 April 1997
[Adopted by a roll-call vote of 28 to 6, with 19 abstentions. See chap. X.]

1997/54. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are General Assembly resolution 51/107 of 12 December 1996 and Commission on Human Rights resolution 1996/84 of 24 April 1996,

1. Welcomes:

(a) The report of the Special Representative of the Commission (E/CN.4/1997/63);

(b) The request by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the High Commissioner for Human Rights/Centre for Human Rights;

2. Expresses its concern:

(a) At the continuing violations of human rights in the Islamic Republic of Iran, in particular the large number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including amputation and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the grave breaches of the human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including certain Christian minorities, some members of which have been the target of intimidation and assassination;

(c) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights;

(d) At the continuing threat to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support

of the Government of the Islamic Republic of Iran, and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(e) At violations of the right to peaceful assembly and restrictions on the freedoms of expression, thought, opinion and the press, and the harassment and intimidation of writers and journalists seeking to exercise their freedom of expression, the arrest of the writer Mr. Faraj Sarkuhi being only the most recent example of such unacceptable practices;

(f) At the lack of full and equal enjoyment by women of human rights, while noting efforts to integrate women more fully into the political, economic and cultural life of the country;

3. Calls upon the Government of the Islamic Republic of Iran:

(a) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative in order to allow him to continue his inquiry first-hand and to continue his dialogue with the Government;

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To implement fully the recommendations of the Special Representative and the relevant recommendations of the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, in particular the recommendations relating to the Baha'is, Christians, Sunni and other minority religious groups;

(d) To take effective measures to eliminate all discrimination against women, in law and in practice;

(e) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences reported by them;

(f) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Rushdie;

(g) To ensure that capital punishment will not be imposed for apostasy or non-violent crimes, or in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

4. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

64th meeting
15 April 1997
[Adopted by a roll-call vote of 26 to 7, with 19 abstentions. See chap. X.]

1997/55. Human rights situation in southern Lebanon and West Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and West Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the IVth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Censuring the repeated Israeli aggressions in southern Lebanon and West Bekaa, and in particular the large-scale offensive launched in April 1996 which caused a large number of deaths and injuries among civilians, displaced thousands of families and destroyed many dwellings and public utilities,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and West Bekaa and that the peace negotiations will continue with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese citizens in the detention centres of Khiyam and Marjayoun, and at the death of some of these detainees as a result of ill-treatment and torture,

Reaffirming its resolution 1996/68 of 23 April 1996, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and West Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombardment of peaceful villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, consisting in air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to release immediately all the Lebanese who have been abducted and imprisoned and other persons detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to commit itself to allowing the International Committee of the Red Cross and other international humanitarian organizations operating in the region to periodically visit the detention centres of Khiyam and Marjayoun and to verify the sanitary and humanitarian conditions of the detainees and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in this regard;

7. Decides to continue its consideration of the human rights situation in southern Lebanon and West Bekaa at its fifty-fourth session.

64th meeting
15 April 1997
[Adopted by a roll-call vote of 51 to 1, with 1 abstention. See chap. X.]

1997/56. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993, 1994/70 of 9 March 1994, 1995/75 of 8 March 1995 and 1996/70 of 23 April 1996, and taking note of the report of the Secretary-General on the question (E/CN.4/1997/50),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-fourth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-fourth session.

64th meeting
15 April 1997
[Adopted without a vote. See chap. X.]

1997/57. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Recalling all relevant resolutions of the Commission, the General Assembly and the Security Council on this subject, in particular its own resolutions 1992/S-1/1 of 14 August 1992, 1995/35 of 3 March 1995, 1995/89 of 8 March 1995 and 1996/71 of 23 April 1996, General Assembly resolution 51/116 of 12 December 1996 and Security Council resolutions 1031 (1995) of 15 December 1995 and 1035 (1995) of 21 December 1995, 1079 (1996) of 15 November and 1080 (1996) of 13 December 1996,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto, initialled in Dayton, Ohio, United States of America on 21 November 1995 and signed in Paris on 14 December 1995 (together, the "Peace Agreement"), which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and for Security Council resolution 1037 (1996) of 15 January 1996 which establishes the United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Slavonia,

Welcoming the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular article 7 thereof which, inter alia, ensures conditions for the return of refugees and displaced persons and the return of

their property or a just compensation, and in that context stressing the positive impact of mutual recognition agreements among successor States of the former Yugoslavia,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

I

Introduction

1. Stresses the crucial role that human rights questions play in the success of the Peace Agreement, and underlines the obligations of the parties under the Framework Agreement to secure all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Commends the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro) - together, the countries of the mandate - for her efforts, welcomes the reports of the Special Rapporteur and calls on the Governments of and authorities in these States to continue to cooperate with and support the work of the Special Rapporteur, and to give immediate effect to her recommendations, both present and past, and to provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

3. Commends the High Commissioner for Human Rights for his activities in the implementation of the Peace Agreement, in particular by developing and conducting training for international monitors including for the Organization for Security and Cooperation in Europe and United Nations International Police Task Force missions; making available to the High Representative human rights experts; continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons, participating actively in the International Commission on Missing Persons in the Former Yugoslavia and calls upon the United Nations and all States to support fully the High Commissioner for Human Rights in carrying out his activities;

4. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the Human Rights Task Force and the Human Rights Coordination Centre of the Office of the High Representative, the European Union, the International Police Task Force and the United Nations

High Commissioner for Human Rights in monitoring and strengthening the for human rights and fundamental freedoms in Bosnia and Herzegovina and region;

5. Commends the efforts of host countries to offer shelter and provide refugees with humanitarian and other assistance;

II

Violations of human rights

6. Reaffirms in the strongest terms its previous condemnations past violations of human rights in the countries of the mandate of the Rapporteur in particular as stated in its resolution 1996/71;

7. Expresses its serious concern about continuing human rights violations within the countries of the mandate and the delays in fully implementing the human rights provisions of the Peace Agreement;

8. Condemns in the strongest terms the continued forcible expul of individuals from their homes in Bosnia and Herzegovina and the practi destroying the homes of those previously forcibly expelled, and calls fo immediate arrest and punishment of individuals engaged in these actions;

9. Condemns the continuing restrictions on freedom of movement between the Republika Srpska and the Federation of Bosnia and Herzegovin and within the Federation of Bosnia and Herzegovina and within the Republika Srpska;

10. Expresses its continuing concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and demands that the perpetrators of rape be brought to ju and that the victims and witnesses receive adequate assistance and protec

III

General obligations

11. Urges the parties and Member States to take into account the Special Rapporteur's recommendation and the declaration by the internatio community at the Peace Implementation Conference held in London on 4 and 5 December 1996 that, without consistent progress in implementing internationally accepted standards of human rights in Bosnia and Herzegov the international community will not maintain its level of commitment of and financial resources for reconstruction;

12. Underlines in this context that, without the compliance and a participation of all the authorities in Bosnia and Herzegovina in rebuildi

civil society, and without their making progress towards political reconciliation, they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts;

13. Calls upon in this respect, the countries of the mandate, as well as the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska:

(a) To implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement;

(b) To cooperate fully with the international mechanisms which have mandates involving human rights, including the High Representative, the International Police Task Force, the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the European Community Monitoring Mission, the Council of Europe and other international, regional as well as non-governmental organizations;

(c) To cooperate effectively with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Former Yugoslavia (the Tribunal), established pursuant to Security Council resolution 808 (1993);

(d) To ensure full and free access to their territories and to relevant facilities for all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

(e) To facilitate, with the assistance of the international community, in particular the Office of the United Nations High Commissioner for Refugees, the early, safe and orderly return of refugees and displaced persons to their homes of origin or, in exceptional cases, to other places of their choice, honouring fully the commitments undertaken under the Peace Agreement in regard to human rights and refugee issues;

(f) To take immediate and effective steps to build confidence among people in order to foster civil society and to prevent new mass exoduses of populations;

(g) To implement the commitments made in the Joint Statement of the Bosnia and Herzegovina Ministerial Council, the Bosnia and Herzegovina Federal Government and the Republika Srpska Government issued in Geneva on 21 March 1997 on the repatriation of refugees and the return of and the solution to the problem of displaced persons within Bosnia and Herzegovina, in both its entities;

(h) Specifically the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina to speed up the process of normalization of their relations, in accordance with the conclusions of the high-level meeting held in Paris on 3 October 1996, and to refrain from any actions that may undermine the full implementation of the Peace Agreement;

14. Appeals to the international community to support such efforts and, in particular, the promotion of democratic institutions in the countries of the mandate, inter alia by improving the administration of justice and the functioning of free media, and by fostering a culture of respect for human rights;

IV

International Tribunal

15. Calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the Tribunal, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, and, as a matter of urgency, by continuing to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

16. Also calls upon the authorities of Bosnia and Herzegovina, and in particular the authorities of the Republika Srpska, to implement immediately the "Rules of the Road" agreed in Rome on 18 February 1996 by arresting or detaining only those war crime suspects sought by the Tribunal, by notification after arrest and prompt release if the person is not sought by the Tribunal, by submitting all cases involving suspected war crimes to the Tribunal for review prior to prosecution by national courts and by facilitating access to detainees by the Tribunal and other monitors and representatives of non-governmental organizations;

17. Urgently calls upon competent authorities in Bosnia and Herzegovina, including those of the Federation and in particular in the

Republika Srpska, and the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to apprehend and surrender for prosecution, as required by Security Council resolution 827 and the statement by the President of the Security Council on 8 May 1996, all persons indicted by the International Criminal Tribunal;

18. Notes that the large majority of those indicted by the Tribunal, including Radovan Karadzic and Ratko Mladic, according to the Special Rapporteur are living in the Republika Srpska, and deplores the failure of the authorities there to act;

19. Calls upon the international community to give the Tribunal every appropriate help to bring into custody suspects indicted by it;

V

Bosnia and Herzegovina

20. Takes note of the successful holding of elections on 14 September 1996 under the supervision of the Organization for Security and Cooperation in Europe, with the support of the European Union and other organizations, and stresses in this regard that the primary responsibility for laying the foundation for representative government and for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of the State of Bosnia and Herzegovina, in particular through the central Government and the governments of the entities as well as through, inter alia, religious communities, humanitarian organizations and non-governmental organizations;

21. Welcomes the activities the Commission on Human Rights for Bosnia and Herzegovina has undertaken, despite the lack of funding therefor, and underlines the importance of its intensifying its activities concerning alleged or apparent violations of human rights, and alleged or apparent discrimination of any kind;

22. Calls upon all authorities in Bosnia and Herzegovina:

(a) To comply with the human rights provisions of the Constitution of Bosnia and Herzegovina;

(b) To prevent human rights violations and ensure that persons under their control who commit violations are held accountable, especially violations described in the report of the Special Rapporteur, such as arbitrary detention practised by all parties and restrictions on media freedom;

(c) To ensure that local police forces fully respect and protect all human rights;

(d) To ensure full freedom of movement within, and between, the territories of both entities, as required by the Peace Agreement;

(e) To allow the return of refugees and displaced persons to their places of origin and to cease immediately actions that undermine the right to return, and to take immediate steps to repeal legislation which infringes on the right to return, including laws relating to "abandoned" property, to end illegal evictions of persons from their homes and to reinstate in their homes persons who have been evicted in violation of their rights;

(f) In particular those of the Republika Srpska and the Federation, to implement fully existing laws providing amnesty for crimes related to the conflict, other than serious violations of international humanitarian law, and, in the case of the Republika Srpska, to amend immediately its law to provide amnesty for persons who avoided conscription or deserted, as required by the Peace Agreement;

(g) To abide by the decisions of the Brcko Arbitrators and the Chairman's Conclusions of the Brcko Implementation Conference held in Vienna, on 7 March 1997, and to cooperate fully with the Office of the High Representative, the newly appointed Deputy High Representative for Brcko and other responsible actors in all aspects of its implementation;

(h) In an effort to strengthen a free press, to make publications and broadcasts from both sides easily available in each entity, and to develop where necessary an appropriate legislative framework;

(i) To cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina - the Ombudsperson and the Human Rights Chamber - created under annex 6 to the Peace Agreement, in particular by establishing procedures for assisting with investigations by, and for responding to, their requests and reports, and providing for the immediate and effective implementation and enforcement of their decisions;

(j) To create the necessary conditions for free and fair municipal elections to be held under the supervision of the Organization for Security and Cooperation in Europe;

23. Calls upon relevant cantonal governments and local authorities to take the necessary steps to end beatings, unlawful evictions and other forms of harassment, particularly in multi-ethnic areas such as Mostar and Stolac,

complying fully with the demands of the Security Council contained in the statement of its President of 19 March 1997, and to prosecute to the full extent of the law before an independent and impartial tribunal those identified in the report of the International Police Task Force concerning the incidents in Mostar on 10 February 1997;

24. Calls upon authorities in the Republika Srpska to establish without delay institutions for the protection of human rights, in particular a human rights ombudsman;

25. Calls upon the international community:

(a) To help implement the decision of the Security Council to support the authority of the International Police Task Force to investigate human rights abuses committed by law enforcement personnel by, inter alia, providing the necessary resources, equipment and training, and to support also the proposal by the High Commissioner for Human Rights to continue and expand his training for the International Police Task Force;

(b) To help the parties develop law enforcement structures that are competent and dedicated to complying with the "Internationally accepted principles of policing in a democratic state" of the International Police Task Force;

(c) To continue to work constructively so that persons who have left their territory can return in safety, including those who have been accorded temporary protection by third countries;

(d) To help ensure that the Constitutional Court, the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Ombudsperson and the Human Rights Chamber, are fully supported and their decisions respected;

26. Encourages the international community to respond favourably to appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, while calling upon the Government of Bosnia and Herzegovina to fulfil its obligations in this regard, and for the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the United Nations High Commissioner for Human Rights/Centre for Human Rights and other institutions of reconciliation, democracy and justice in the region;

VI

Republic of Croatia

27. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles and the highest level of international norms and standards of human rights and fundamental freedoms and to respect the protection of free and independent media, and:

(a) To continue to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to ensure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including their property rights, their right to remain, leave or return in safety and dignity, and to prevent new flows of refugees from Eastern Slavonia, and to enable the restoration of the multi-ethnic character of Eastern Slavonia;

(b) To allow the expeditious return to their homes in all regions, in particular to the Krajina, of all refugees and displaced persons, to use all available means to secure their safety and human rights and to allow continued access to this population by humanitarian organizations;

(c) Within the procedures established in Rome on 18 February 1996 concerning the arrest, detention and trial of persons for violations of international humanitarian law (the "Rules of the Road"), to pursue prosecutions against those suspected of past violations of international humanitarian law and human rights, while ensuring that the rights to a fair trial and to legal representation are afforded to all persons suspected of such crimes;

(d) To prevent harassment, looting and physical attacks against Croatian Serbs, in particular involvement by Croatian military and police officials, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

(e) To guarantee freedom of the press, including independent television, radio and print media, in all parts of the country;

(f) To respect the right of non-governmental organizations to operate without arbitrary restrictions;

(g) To fulfil the rights and guarantees pledged in the letter of 13 January 1997 (S/1997/27) from the Government of Croatia including, inter alia, the pledge to guarantee the local Serb community representation

and a voice at various levels of local, regional and national government and to provide the local Serb population with the protection of their legal and civil rights under Croatian law, and to this end to fulfil their obligations regarding the completion of the issuance of citizenship and identity documents and relevant technical documents;

(h) To implement the Amnesty Law enacted on 25 September 1996;

28. Calls upon the international community:

(a) To support the proposal of the High Commissioner for Human Rights to provide human rights guidance and counseling to the civilian police contingent of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium remaining in the field in 1997 and also to support the involvement of the High Commissioner for Human Rights in human rights monitoring in the region of Eastern Slavonia, in close cooperation with other international organizations and in close consultation with the Government of Croatia;

(b) To provide for a continued international presence, as recommended by the Special Rapporteur, through support of initiatives advanced by the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe the European Community Monitoring Mission and other international organizations;

(c) To support fully the plans of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to organize the return in dignity and safety of Croatian and other non-Serb refugees who were forcibly expelled from their homes, and commends in this regard the so-called sponsorship programme of United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium;

VII

Federal Republic of Yugoslavia (Serbia and Montenegro)

29. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To undertake substantially greater efforts to institute and to implement fully democratic norms, especially in regard to respect for the principle of free and fair elections and protection of free and independent media, and full respect for human rights and fundamental freedoms;

(b) To expand opportunities for the independent media, institute non-partisan management of the state-owned media and cease efforts to restrict press and broadcast journalism;

(c) To cease torture and ill-treatment of persons in detention as described in the report of the Special Rapporteur, and to bring those responsible to justice;

(d) To revoke any discriminatory legislation, to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

(e) To respect the rights of persons belonging to minority groups, especially in Sandjak and Vojvodina, and of persons belonging to the Bulgarian and Croatian minorities;

(f) To take immediate action, in view of the deteriorating situation in Kosovo and the danger of escalating violence there, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention, unfair trials, and arbitrary, unjustified evictions and dismissals;

(g) To release all political detainees, allow the return in safety and dignity of ethnic Albanian refugees to Kosovo and respect fully all human rights and fundamental freedoms, including freedom of the press, freedom of movement and freedom from discrimination in the field of education and information;

(h) To allow the establishment of democratic institutions in Kosovo and the right to seek, receive and impart information and ideas through any media, and in particular to improve the situation of ethnic Albanian women and children, and to allow an international presence for monitoring of the human rights situation;

(i) Following the welcome establishment of an office of the High Commissioner for Human Rights in Belgrade and continued cooperation with the Special Rapporteur, to broaden their cooperation with institutions concerned with human rights, in particular by allowing the High Commissioner for Human Rights and the European Union to establish a presence in Pristina (Kosovo), and to allow visits by the personal representative of the Chairman in Office of the Organization for Security and Cooperation in Europe in Kosovo;

30. Calls once again upon all parties in the Federal Republic of Yugoslavia (Serbia and Montenegro) to engage in a substantive dialogue, to act with the utmost restraint and with full respect for human rights, and to refrain from acts of violence, and calls especially upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue dialogue with representatives of ethnic Albanians in Kosovo;

31. Emphasizes that improvements in the promotion and protection of human rights and political freedoms in Kosovo and the rest of its territory as well as cooperation with the Tribunal will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

32. Calls upon the international community:

(a) To establish appropriate safeguards to ensure the security and fair treatment upon return of those who sought temporary protection and asylum, including appropriate measures by Governments, such as legal guarantees and follow-up mechanisms, to allow these persons to return to their homes in the Federal Republic of Yugoslavia (Serbia and Montenegro) in safety and dignity;

(b) To continue to support existing national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) To support efforts by the Office of the United Nations High Commissioner for Refugees by encouraging and assisting the voluntary return in safety to Croatia of ethnic Serb refugees in the Federal Republic of Yugoslavia (Serbia and Montenegro) who were forcibly expelled or otherwise fled from their homes;

VIII

Missing persons

33. Thanks the expert member of the Working Group on Enforced or Involuntary Disappearances for his report (E/CN.4/1997/55) on the special process on missing persons in the territory of the former Yugoslavia;

34. Expresses its appreciation to the expert for the special process for his contribution to the eventual resolution of the problem of missing persons by his dedication to this question;

35. Reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its responsibility to investigate enforced

disappearances, enhance its cooperation with the Republic of Croatia and with the State of Bosnia and Herzegovina in tracing missing persons and to provide complete and precise information on this subject, calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to its bilateral agreement with the Republic of Croatia to this effect, to accept similar bilateral arrangements with Bosnia and Herzegovina and to respond positively to the efforts of the international community, including by attending high-level intergovernmental meetings to this end;

36. Welcomes in this regard the formation of the International Commission on Missing Persons and requests that the International Commission, the High Representative, the Special Rapporteur, and the International Committee of the Red Cross coordinate their efforts, while bearing in mind the evidentiary requirements of the Tribunal, and also bearing in mind the provisions of its resolution 1996/71 that deal with this question;

37. Specifically calls upon the countries of the mandate of the Special Rapporteur:

(a) To release immediately all individuals held as a result of, or in relation to, any conflict between or among them;

(b) To release immediately to the International Committee of the Red Cross and other relevant organizations any and all information, including, but not limited to, all medical, dental and autopsy records, necessary to resolve the fate of persons missing as a result of the conflicts between and among the parties;

(c) To cooperate fully, immediately and at the highest diplomatic levels with the International Commission, the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross in their efforts to accelerate the resolution of missing person cases and to alleviate the suffering of the families of the missing;

38. Stresses the necessity of close coordination on the issue between relevant international organizations and welcomes the commitments made by the Office of the High Representative to give priority to the question of missing persons, in particular by taking active steps to ensure that excavations and exhumations are carried out where possible;

39. Requests, in consideration of the resignation of the expert for the special process, that the Special Rapporteur, the International Committee

of the Red Cross, the Office of the High Representative, the headquarters of the International Commission on Missing Persons and other relevant actors consult the expert member of the Working Group so that appropriate arrangements, including for transfer of relevant information acquired by the expert, can be made for these organizations to assume the functions concerning missing persons performed by the expert member up to the date of his resignation;

40. Calls upon the international community:

(a) To provide the appropriate financial, personnel and logistical resources so that the Office of the High Representative, the relevant governmental institutions and other organizations entrusted with the responsibility of resolving the question of missing persons can accomplish their tasks without undue delay;

(b) To ensure that excavations and exhumations of mortal remains are undertaken in conformity with internationally accepted practice;

(c) To ensure also that excavations can continue where local authorities are prevented from carrying them out or where local authorities prevent their being carried out;

IX

Special Rapporteur

41. Requests the Special Rapporteur, in addition to the activities mandated in its resolutions 1994/72 and 1996/71:

(a) To focus her future activities on prevention and reporting of violations of, and lack of action to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(b) To continue to support the High Representative's efforts to report on implementation of the Peace Agreement by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Agreement;

(c) To contribute to efforts to build democratic institutions and improve the administration of justice, on prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension and on protecting the rights of people belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(d) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross and attendance at meetings of the International Commission on Missing Persons, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;

(e) To provide the Commission at its fifty-fourth session her overview of the human rights situation in the territories covered by her mandate, as requested in its resolution 1996/71;

42. Decides to extend for one year the mandate of the Special Rapporteur as revised in the present resolution, and requests that she continue her vital efforts, especially by continuing to carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina;

and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights;

43. Requests the Special Rapporteur to provide a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and decides, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of the said report;

44. Requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

45. Urges the Secretary General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and in particular to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

65th meeting
15 April 1997

[Adopted without a vote. See chap. X.]

1997/58. Situation of human rights in Zaire

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Commission on Human Rights resolution 1996/77 of 23 April 1996, and noting Security Council resolution 1097 (1997) of 18 February 1997,

Recognizing the burden which the population of eastern Zaire has sustained in granting asylum to the Rwandan and Burundian refugees since 1994 and the accompanying environmental degradation which followed this massive influx of refugees,

1. Welcomes:

(a) The reports of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1997/6 and Add.1-2);

(b) That the Government of Zaire agreed to a visit by the Special Rapporteur in the discharge of his mandate, while regretting that he was not able to visit certain areas and that the Government did not reply to his requests for information;

(c) The fact that the Government of Zaire agreed to the establis of an office of the United Nations High Commissioner for Human Rights in Kinshasa, entrusted with the task of monitoring the situation of human r and giving advice to the governmental authorities and non-governmental organizations;

(d) The preparations for elections, including the establishment National Electoral Commission and of the Standing Interministerial Commi to ensure contacts between the Government and the National Electoral Commission, and welcomes the decision to hold a constitutional referendu

2. Expresses its concern:

(a) At the lack of improvement in the human rights situation and the continuing violations of human rights and fundamental freedoms in Za particularly cases of summary execution, torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, inhuman degrading prison conditions, particularly for children and especially in detention centres administered by the army and security services, and den of the right to a fair trial, as well as intimidations and reprisals, in particular against political figures;

(b) At the situation of human rights defenders in Zaire;

(c) At the armed conflict in eastern Zaire, and at the high numbe civilian casualties, as well as at the widespread lack of respect for hum rights and international humanitarian law by all parties;

(d) That the army and the security forces continue to use force against civilians and to enjoy great impunity, which remains one of the principal causes of human rights violations in Zaire;

(e) At all discriminatory measures based on ethnic grounds;

(f) At the occurrences of arbitrary deprivation of nationality;

(g) At the delay in the process, aggravated by the war in eastern Zaire, of democratic transition and in the organizing of free and multi-p elections, as foreseen in the Constitutional Act of Transition;

(h) At the lack of follow-up to previous recommendations by the Special Rapporteur;

3. Calls upon the Government of Zaire:

(a) To put an end to the impunity of persons responsible for huma rights violations, including members of the army and security forces;

(b) To intensify cooperation with the Special Rapporteur and the office of the United Nations High Commissioner for Human Rights in Kinshasa and to indicate how the Government of Zaire has taken the Special Rapporteur's recommendations into account;

(c) To ensure that all decisions concerning the acquisition or deprivation of nationality are taken in accordance with principles and norms of international law;

(d) To provide the National Commission for the Promotion and Protection of Human Rights with the necessary means to function effectively and independently, and to seek the assistance of the office of the United Nations High Commissioner for Human Rights in Kinshasa in this respect;

(e) To reinforce the judiciary and its independence;

(f) And all other parties to the conflict in eastern Zaire to approve unconditionally the five-point peace plan for eastern Zaire endorsed by the Security Council and the Organization of African Unity, and to negotiate an immediate cessation of hostilities and a peaceful settlement; to withdraw all external forces, including mercenaries; to facilitate access to the area for humanitarian organizations and to seek a political solution to the problems, respecting the territorial integrity of Zaire, the human rights of everyone, including refugees and displaced persons, and the process of democratization in Zaire, including the holding of free and fair elections;

(g) To make further preparations for the holding of free and fair elections as foreseen in the basic agreement on the transition, drawing on assistance from the international community, and to ensure full respect for the freedom of opinion and expression, including for all mass media, as well as freedom of association and assembly throughout the territory of Zaire;

(h) To take into account the importance of civil society in implementing and strengthening the democratization process;

(i) To cooperate with respect to the strengthening of the office of the High Commissioner for Human Rights, including an increase in the number of observers;

4. Calls upon the Government of Zaire and all other parties:

(a) To accept with immediate effect investigations by the joint mission appointed by the Commission into allegations of massacres and other issues affecting human rights and to ensure the security of the members of the joint mission and their free access to all areas they wish to visit;

(b) To accept the monitoring by international observers of respect for human rights and humanitarian law and to ensure free access and security for such observers;

5. Calls upon the international community to cooperate in future efforts with respect to the reconstruction and rehabilitation of the economic and social infrastructure in eastern Zaire;

6. Decides:

(a) To request the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session;

(b) Requests the High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, in order to accelerate its work and to provide appropriate technical expertise to enable the mission to fulfil its mandate;

(c) To extend the mandate of the Special Rapporteur for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and also requests the Special Rapporteur to continue to apply a gender perspective to a greater extent in drawing up his reports, including in the collection of information and recommendations;

(d) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(e) To continue the examination of the situation of human rights in Zaire at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

65th meeting
15 April 1997

[Adopted without a vote. See chap. X.]

1997/59. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to respect and promote the human rights and fundamental freedoms and values embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and in international humanitarian law,

Recalling General Assembly resolution 51/112 of 12 December 1996 on the human rights situation in the Sudan and its own resolution 1996/73 of 23 April 1996, also on the human rights situation in the Sudan,

Noting with deep concern reports of grave human rights violations and abuses in the Sudan, particularly detentions without trial, forced displacement of persons and torture, as described inter alia in numerous reports submitted to the General Assembly and the Commission on Human Rights, 1/

Expressing serious concern about reports of religious persecution, including forced conversion of Christians and animists, in government-controlled areas of the Sudan,

Gravely disturbed that the Government has not provided full and impartial investigations and reports on human rights violations and abuses,

Deeply concerned about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan,

Deeply concerned also that access of international relief organizations to civilian populations continues to be severely impeded,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, who have been forcibly displaced and who are in need of assistance and protection, and by the destruction of villages, indiscriminate killing of civilian men, women and children and massive displacement of people in Blue Nile province after 12 January 1997,

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1/ Interim report on the situation of human rights in the Sudan (A/51/490 annex), Report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), Interim report on the elimination of all forms of religious intolerance relating to a visit to the Sudan (A/51/542/Add.2). Report of the Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91).

Deeply concerned about continued reports of slavery, servitude, the slave trade and forced labour, the sale and trafficking of children and their abduction and forced internment, often at undisclosed locations,

Also concerned about reports of ideological indoctrination or cruel, inhuman or degrading treatment, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities,

Gravely concerned about reports that these practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged by the General Assembly in resolution 51/112,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Welcoming the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, and the Working Group on Contemporary Forms of Slavery,

Welcoming also the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights from 1 to 7 December 1996,

Regretting that the second visit of the Special Rapporteur on the situation of human rights in the Sudan had to be abruptly terminated, and noting that the visit of the Special Rapporteur on freedom of opinion and expression has yet to take place,

Noting again the establishment by the Government of the Sudan of National Committees for Human Rights Education, and encouraging the Centre for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help these committees improve the observance of human rights in the Sudan,

1. Welcomes the most recent report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), and expresses its support for his work;

2. Deeply regrets that the Government of the Sudan declared it was unable to guarantee the security of the United Nations Special Rapporteur on the situation of human rights in the Sudan during his abbreviated visit to the Sudan in January 1997;

3. Expresses its deep concern at continued serious human rights violations by the Government of the Sudan, including extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture, and denial of the freedoms of religion, expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

4. Also expresses deep concern at actions by other parties to the conflict, including kidnappings, arbitrary detention, forced conscription, indiscriminate killings, forced displacement and arrest of foreign relief workers without charge;

5. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

6. Renews its call to the Government of the Sudan to respect human rights fully, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

7. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including landmines, against the civilian population and to protect all civilians, especially

women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

8. Again urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards;

9. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

10. Also calls upon the Government of the Sudan to ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups are properly trained and act in compliance with the standards set forth in international humanitarian law, with the assistance of the International Committee of the Red Cross and other appropriate organizations, and that those responsible for violations of such law are brought to justice;

11. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, separate children from their families and social backgrounds, forcibly round up children from the streets, or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of supporting or participating in them;

12. Also urges the Government of the Sudan to carry out promptly its promised investigations into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the

Special Rapporteur and others, to complete those investigations already begun and to take all appropriate measures to put an immediate end to these practices;

13. Welcomes the establishment in 1996 of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, and urges the Government of the Sudan to give full effect to the work of the Committee;

14. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace;

15. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

16. Urges all parties to the conflict to cooperate fully with the peace efforts of the Intergovernmental Authority on Drought and Development or related initiatives under its auspices to negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby facilitating the return of refugees and internally displaced persons to their homes;

17. Calls once more upon the Government of the Sudan to carry out a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

18. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected civilians and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver such assistance;

19. Expresses the hope once again that the dialogue between non-governmental organizations and religious minorities in the Sudan will be continued in order to improve relations between those minorities and the Government of the Sudan;

20. Decides to extend the mandate of the Special Rapporteur for an additional year;

21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

22. Stresses the importance of the Special Rapporteur continuing to apply gender perspective systematically in the reporting process, including information collection and recommendations;

23. Encourages the Special Rapporteur on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan;

24. Encourages the Government of Sudan, while acknowledging the mention of positive changes, to note the concerns mentioned in the report of the Special Rapporteur on religious intolerance and to review the recommendations made therein, with a view to modifying or repealing government legislation, policies, or activities, as suggested;

25. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and with the objectives suggested by the Special Rapporteur;

26. Requests the Special Rapporteur to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fourth session, reassess such need;

27. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session;

28. Decides to continue its consideration of this question as a matter of priority at its fifty-fourth session.

65th meeting
15 April 1997
[Adopted without a vote. See chap. X.]

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Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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1997/60. Situation of human rights in Iraq

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949 on the protection of victims of war,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 51/106 of 12 December 1996 and Commission on Human Rights resolution 1996/72 of 23 April 1996;

(b) Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686 (1991) of 2 March 1991 in which the Council called on Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolution 687 (1991) of 3 April 1991 and Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies;

1. Welcomes the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1997/57) and the observations on the general situation, including in the northern region, and the conclusions and recommendations contained therein, and notes his dismay that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns

(a) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(d) Widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and diversion of medical care services for such mutilations;

3. Calls upon the Government of Iraq

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate w the Working Group on Enforced or Involuntary Disappearances for that purpos and to pay co sation to the families of those who died or disappeared in custody of t raqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the south marsh areas, where drainage projects have provoked environmental destructio and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To cooperate with international aid agencies and non-governmenta organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(j) To release immediately all Kuwaitis and nationals of other State who may still be held in detention;

(k) To ensure equitable distribution without discrimination to the Iraqi population of the humanitarian supplies purchased with the proceeds o Iraqi oil, in implementation of Security Council resolution 986 (1995) and t memorandum of understanding with the Secretary-General of May 1996 on this issue, and cooperate with international humanitarian agencies for the provision without discrimination of relief to those in need throughout Iraq;

(l) To cooperate in the identification of mine fields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. Decides

(a) To extend the mandate of the Special Rapporteur, as contained in resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and requests the Special Rapporteur to submit an interim report on hum rights in Iraq to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to continue to give all necessa assistance to the Special Rapporteur to enable him to discharge his mandate

fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information on the situation of human rights in Iraq;

(c) To continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

66th meeting
16 April 1997
[Adopted by a roll-call vote of 31 to none, with 22 abstentions. See chap. X.]

1997/61. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is 51/92 of 12 December 1996,

Recalling also Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Economic and Social Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, taking into account the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

6. Takes note of the report of the Special Rapporteur, including his recommendations (E/CN.4/1997/60 and Add.1);

7. Notes the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages him to continue, within the framework of his mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before him and to follow up on communications and country visits;

8. Requests the Special Rapporteur, in carrying out his mandate;

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order

to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions as warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

9. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights and encourages the Special Rapporteur to continue efforts in this regard;

11. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed

conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular, with regard to restrictions on the use of force and firearms in the discharge of their functions;

12. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, in the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

13. Strongly urges all Governments:

(a) To cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests, in keeping with the usual terms of reference for missions by Special Rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

14. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, invites them to report to the Special Rapporteur on action taken on these recommendations, and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. Requests the Secretary-General to provide the Special Rapporteur, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

18. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

19. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-fourth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/62. Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1996/69 of 23 April 1996 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 51/113 of 12 December 1996 regarding the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1997/53),

Profoundly concerned at continued violations in Cuba of human rights and fundamental freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

Dismayed by the violation of right to life by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

1. Commends the report of the Special Rapporteur and his efforts to carry out his mandate concerning the situation of human rights in Cuba;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;

5. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms, as described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment as well as harassment of and threats against human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

7. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

8. Calls upon the Government of Cuba to ensure that workers' rights are safeguarded including through independent and generalized collective bargaining systems;

9. Decides to extend the mandate of the Special Rapporteur for one year;

10. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

11. Requests that the existing mechanisms of the Commission on Human Rights continue giving attention to the situation of human rights in Cuba;

12. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to the present resolution;

15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of advisory services.

66th meeting
16 April 1997
[Adopted by a roll-call vote of 19 to 10, with 24 abstentions. See chap. X.]

1997/63. Situation of human rights in East Timor

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and to the Geneva Conventions of 1949 on the protection of victims of war,

Recalling its resolution 1993/97 of 11 March 1993, and bearing in mind statements by the Chairman of the Commission on the situation of human rights on East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

1. Welcomes

(a) The report of the Secretary-General (E/CN.4/1997/51) and his recent nomination of a special representative;

(b) The continuing efforts of the Indonesian National Commission on Human Rights to investigate human rights violations, and its decision to establish an office in Dili, East Timor;

(c) The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

2. Expresses its deep concern

(a) At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention as reported in the reports of the Special Rapporteur on torture (E/CN.4/1997/7), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60), the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

(b) At the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;

(c) That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;

(d) At the policy of systematic migration of persons to East Timor;

3. Calls upon the Government of Indonesia

(a) To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor;

(b) To ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in November 1991;

(c) To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials in East Timor are conducted in accordance with international standards;

(d) To cooperate fully with the Commission and its thematic rapporteurs and working groups and to invite these rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;

(e) To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation into the envisaged memorandum of understanding, and requests in this regard the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;

(f) To bring about the envisaged assignment of a programme officer of the Office of the United Nations High Commissioner for Human Rights at the Jakarta office of the United Nations Development Programme, as follow-up to the commitment undertaken, and to provide this officer with unhindered access to East Timor;

(g) To provide access to East Timor for human rights organizations;

4. Decides

(a) To consider the situation in East Timor at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General;

(b) To encourage the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations.

66th meeting
16 April 1997
[Adopted by a roll-call vote of 20 to 14, with 18 abstentions. See chap. X.]

1997/64. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming, that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the international Covenants on human rights and other applicable human rights instruments,

Mindful that Myanmar is a party to the Convention on the Rights of the Child and the Geneva Conventions of 1949 on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 51/117 of 12 December 1996 and Commission on Human Rights resolution 1996/80 of 23 April 1996,

1. Welcomes

(a) The report by the Special Rapporteur (E/CN.4/1997/64);

(b) The report of the Secretary-General on his discussions with the Government of Myanmar (E/CN.4/1997/129);

(c) The continuing cooperation by the Government of Myanmar with the Office of the United Nations High Commissioner for Refugees for the voluntary repatriation and reintegration of returnees from Bangladesh;

(d) The scheduled visit of a special envoy of the Secretary-General to Myanmar from 7 to 10 May 1997, in the discharge of the good offices functions of the Secretary-General, for discussions with the Government and other political leaders of Myanmar as he may consider appropriate, in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

2. Expresses its deep concern

(a) At the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, death in custody, torture, arbitrary and politically motivated arrest and detention, absence of due process of law, including trial of detainees in secrecy without proper legal representation, severe restrictions on freedoms of opinion, expression, movement, assembly and association, forced relocation, forced labour by children as well as adults, including portering for the military, abuse of women and children by government agents and oppression of ethnic and religious minorities;

(b) At the absence of significant steps towards the establishment of democratic government after the democratic elections of 1990, while noting that according to the Special Rapporteur, the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar;

(c) That the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur;

(d) That most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who have withdrawn and subsequently were excluded, at the end of 1995, from the sessions of the Convention and who were unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

(e) At the restrictions placed upon Daw Aung San Suu Kyi and other political leaders, at harassment, detention and forced resignations of elected representatives, at the recent attack against Daw Aung San Suu Kyi and other members of the National League for Democracy and at the mass arbitrary arrest of and the harsh sentences imposed on members of the National League for Democracy and other supporters of democratic groups in Myanmar, including persons peacefully exercising their right to freedom of expression during the recent student demonstrations;

(f) At the forced relocation and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighbouring countries, and at the recent attacks on members of the Karen ethnic group, resulting in death, destruction and displacement;

(g) At violations of the rights of children in contravention of the Convention on the Rights of the Child, in particular by the lack of conformity of the existing legal framework with this Convention, by systematic recruitment of children into forced labour, and by discrimination against children belonging to ethnic and religious minority groups;

3. Calls upon the Government of Myanmar

(a) To guarantee an end to violations of the right to life and integrity of the human being, to ensure full respect for human rights and fundamental freedoms, including freedom of thought, opinion, expression, association and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to urgently improve conditions of detention;

(b) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage at the earliest possible date in a substantive political dialogue with the leaders of political parties returned at the elections of 1990, including Daw Aung San Suu Kyi, and with leaders of ethnic groups, as the best means of promoting national reconciliation and restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

(c) To cooperate fully with the relevant mechanisms of the Commission, in particular the Special Rapporteur, and to ensure his access to Myanmar, without preconditions, in order to allow him fully to discharge his mandate, and to cooperate with the Secretary-General or his representatives, including through access to any person deemed appropriate by the Secretary-General or the Special Rapporteur;

(d) To ensure the safety of all political leaders, including Daw Aung San Suu Kyi, and to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(e) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as to other human rights instruments;

(f) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians,

including persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail themselves of services as may be offered by impartial humanitarian bodies;

(g) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization, and to cooperate more closely with the International Labour Organization, in particular with the Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organization;

(h) To create the necessary conditions to remove the causes of displacement and of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

(i) To fulfil its obligation to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

(j) To investigate the circumstances which led to the death in June 1996 of Mr. James Leander Nichols while detained by the Government of Myanmar, and to prosecute any person who could be held responsible;

4. Decides

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session on human rights in Myanmar and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To request the Secretary-General to continue his discussions with the Government of Myanmar and anyone in Myanmar he may consider appropriate in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

(d) To continue the examination of the situation of human rights i Myanmar during its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

67th mee
16 April
[Adopted without a vote. See chap.

1997/65. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaratio of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfill the obligation they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 19 in which the Council requested the Chairman of the Commission on Human Righ to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Coven on Civil and Political Rights, the International Covenant on Economic, Soci and Cultural Rights, the Convention against Torture and Other Cruel, Inhuma or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling in particular its resolution 1996/75 of 23 April 1996, in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and requested him to consider submitting a report to the General Assembly at its fifty-first session, and Economic and Social Council decision 1996/280 of 24 July 1996, in which the Council approved the Commission's decision,

Concerned that armed confrontation persists in certain parts of the territory of Afghanistan,

Aware that peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedoms, the voluntary return of refugees to their homeland in safety and dignity, the clearance of minefields in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Noting General Assembly resolution 51/195 of 17 December 1996 and Security Council resolution 1076 (1996) of 22 October 1996,

Deeply concerned at reports of violations and abuses of human rights and humanitarian law, including the right to life, to liberty and security of person and to freedom of opinion, expression, religion and association,

Concerned in particular at reports of violations and abuses against women and children, especially regarding access to basic education for girl children, and access by women to employment and training and their effective participation in political, economic, social and cultural life,

Concerned also that a unified judicial system cannot be established throughout the country under the prevailing circumstances, and stressing the necessity, until one is created, for regional administrations to assume responsibility for the protection of the human rights of those people under their control, in accordance with internationally accepted standards of human rights,

Commending the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations, as well as by the International Committee of the Red Cross and other humanitarian organizations, including non-governmental organizations,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with the Afghan parties,

1. Takes note with appreciation of the final report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1997/59) and of the conclusions and recommendations contained therein;

2. Notes with deep concern the intensification of armed hostilities in Afghanistan, which have resulted in the destruction of houses and in forced evictions, including on the ground of ethnicity, and calls on all parties involved immediately to cease such hostilities, to engage in a political dialogue aimed at achieving national reconciliation and the return of displaced persons to their homes;

3. Notes with concern the ongoing deterioration of the situation of human rights in Afghanistan as reported by the Special Rapporteur and deplores the violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion and association, and freedom from discrimination on the basis of gender;

4. Expresses its deep concern at the frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country, as well as the application of forms of punishment that do not conform to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5. Calls on all the Afghan parties, in accordance with international human rights instruments, fully to respect and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion;

6. Urges all the Afghan parties to restore respect for all the human rights of women, without delay, and in particular to take measures to ensure:

(a) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(b) Respect for the right of women to work, and reintegration in their employment;

(c) The right of women and of girls to education without discrimination, the reopening of schools and the admission of women and of girls to higher levels of education;

(d) Respect for women's right to security of person, and that those responsible for physical attacks on women are brought to justice;

(e) Respect for women's freedom of movement and effective access to facilities necessary to protect their right to the highest attainable standard of physical and mental health;

7. Encourages the Special Rapporteur to continue to pay attention to the human rights of women and of children and to apply a gender perspective in a similar manner as in his report to the Commission at its fifty-third session;

8. Demands that all the Afghan parties fulfill their obligations and commitments regarding the safety of all diplomatic missions and of United Nations personnel and other international personnel as well as their premises in Afghanistan, and cooperate fully with the United Nations and associated bodies as well as with non-governmental organizations, including humanitarian organizations, national and international, and other agencies;

9. Endorses the Special Rapporteur's condemnation of the abduction from United Nations premises of the former President of Afghanistan, Mr. Najibullah, and of his brother, and their subsequent summary execution;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations and abuses of human rights and of accepted humanitarian rules and to bring the perpetrators to trial in accordance with internationally accepted standards;

11. Strongly urges all the Afghan parties to work and cooperate fully with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic government elected through free and fair elections, to be held throughout the country and based on the right to self-determination of the people of Afghanistan;

12. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to strengthen mutual consultation and cocperation;

13. Urges all the Afghan parties to respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, and urges all the Afghan parties to prohibit the drafting and the recruitment of children as para-combatants and to ensure their reintegration into society;

14. Invites the United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles and the holding of direct elections;

15. Stresses the importance of human rights education and awareness-building in both urban and rural areas, and encourages the international community to assist in this regard;

16. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and cultural heritage, in particular the restoration of the Kabul museum and other historical sites;

17. Urges all States to respect the full national independence and territorial integrity of Afghanistan and non-interference in its internal affairs, and takes note with concern of the report of the Special Rapporteur wherein he is informed of the presence of foreigners among prisoners of war;

18. Calls for the unconditional and simultaneous release of all prisoners of war, wherever they are held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as the result of the war;

19. Calls upon all warring parties in Afghanistan to refrain from arbitrarily detaining civilian foreign nationals, and urges their captors to release them immediately;

20. Calls upon the Afghan parties to treat all suspects and convicted or detained persons in accordance with relevant international instruments;

21. Appeals to Member States and to the international community to provide on a non-discriminatory basis adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;

22. Encourages the United Nations Special Envoy to Afghanistan to exert efforts to ensure a gender perspective in the selection of his staff, in order to enhance the role of women in preventive diplomacy, peace-making and peace-keeping;

23. Urges the Afghan parties to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur, and to facilitate access to all sectors of society;

24. Decides to extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human

rights in Afghanistan to the Commission at its fifty-fourth session and to consider submitting a report to the General Assembly at its fifty-second session;

25. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

26. Requests the High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide professional advice to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

27. Decides to continue its consideration of the human rights situation in Afghanistan, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/66. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolutions S-3/1 of 25 May 1994, 1995/91 of 8 March 1995 and 1996/76 of 23 April 1996,

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms as well as to eliminate impunity,

Noting the massive return to the country from Zaire and the United Republic of Tanzania of over 1 million Rwandan refugees who left the country in 1994,

Taking note with concern of the report of the Special Rapporteur (E/CN.4/1997/61) and the report of the High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (E/CN.4/1997/52) concerning violations of human rights and fundamental freedoms in Rwanda,

Reaffirming that the protection and promotion of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Welcoming the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres in Rwanda,

1. Takes note of the reports of the Special Rapporteur on the situation of human rights in Rwanda and the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda;

2. Reiterates its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights which were perpetrated in Rwanda, and expresses its concern at the continuation of human rights violations in Rwanda;

3. Remains deeply concerned at the continued suffering experienced by the survivors of the genocide and the massacres, especially the most vulnerable persons, and urges the Government of Rwanda and the international community to provide them with the necessary assistance;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations;

5. Calls upon the Government of Rwanda to investigate with vigour, and where possible to prosecute and punish, cases of rape and other sexual violence that occurred during and after the genocide, and to take steps to facilitate the participation of women, particularly genocide survivors and recent returnees, in all phases of social and economic reconstruction, with particular attention to matters concerning ownership of property;

6. Also calls upon the Government of Rwanda to extend an invitation to the Special Rapporteur on violence against women to visit Rwanda, for the purpose of studying the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal for Rwanda as well as of national tribunals;

7. Welcomes the start of the trial of those suspected of the crime of genocide and crimes against humanity in Rwanda, remains concerned at the conditions under which the first genocide trials have been conducted,

especially with respect to legal representation, and encourages the Government of Rwanda to renew its commitment and its efforts to guarantee fair trials in accordance with internationally agreed standards and principles;

8. Expresses its concern with respect to conditions of detention which are not in conformity with international standards, appeals to the Government of Rwanda to take further action to improve these conditions and urges the international community to assist the Government of Rwanda in that field;

9. Appeals to the international community to contribute further financial and technical support to the Government of Rwanda for the strengthening of Rwanda's judicial system and for the reconstruction of human rights infrastructure;

10. Encourages the efforts of the Government of Rwanda to reconstruct a State based on the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international instruments;

11. Expresses its grave concern at the deterioration in the human rights situation in Rwanda since the beginning of January 1997, in particular the increase in the killing of and attacks against genocide survivors and witnesses by members of the former Forces Armées Rwandaises, Interahamwe militia or other insurgents, and the killing of unarmed civilians by some elements of the security forces;

12. Notes the commitment of the Government of Rwanda to investigate extrajudicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct these investigations promptly and with all due rigour;

13. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, especially the assassination of five human rights observers - one Cambodian, one United Kingdom and three Rwandan nationals - that of three Spanish members of Médecins du monde and that of a Canadian national, and pays tribute to their memory;

14. Appeals to the Government of Rwanda to continue to ensure the security of United Nations staff, humanitarian personnel and all individuals serving in the country;

15. Expresses its satisfaction at the welcome extended by the Government of Rwanda to the Rwandan refugees who left the country in 1994 upon their massive return in November 1996, and calls upon the Government of Rwanda to guarantee their safety and right to property;

16. Calls upon States, United Nations bodies and agencies and other international organizations to intensify their efforts to contribute further financial and technical support to the efforts of the Government of Rwanda aimed at the resettlement of all the refugees and survivors of the 1994 genocide and massacres, as well as the implementation of the national reconstruction and resettlement programme;

17. Reaffirms the importance of the continuation of the Human Rights Field Operation in Rwanda, welcomes the cooperation the Government of Rwanda has continuously extended to it and calls upon the Government of Rwanda to ensure the security and safety of the staff of the Operation and access for that staff throughout Rwanda;

18. Reiterates its requests that all States concerned cooperate fully with the International Criminal Tribunal for Rwanda and to ensure that all those guilty of the crime of genocide, crimes against humanity and other grave violations of human rights committed in Rwanda are brought to justice in accordance with international principles of due process;

19. Expresses its appreciation for the work the Special Rapporteur has carried out in the past three years in the fulfilment of his mandate;

20. Requests the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate;

21. Requests the special representative to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session in accordance with his mandate;

22. Requests the High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission on Human Rights and the General Assembly;

23. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and to work for lasting solutions to the problem of its financing including through the regular budget of the United Nations;

24. Requests the United Nations High Commissioner for Human Rights to submit a report on the implementation of the present resolution, under agenda item 10, to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session.

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/67. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1996/66 of 23 April 1996,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, and the Special Rapporteur has observed progress in the field of human rights and fundamental freedoms, as indicated in his reports (E/CN.4/1996/67 and E/CN.4/1997/54),

Taking note of the observation of the Special Rapporteur contained in his latest report that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as to the Convention on the Elimination of All Forms of Discrimination against Women, and his observations that there is political will on the part of the authorities and that efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Conscious that some progress has been made in the field of human rights and fundamental freedoms in Equatorial Guinea,

Noting with concern the continued existence of deficiencies or conditions that lead to violations and abuses of human rights, including the impunity enjoyed by some State officials who have perpetrated or instigated human rights violations, the failure to provide for an independent judiciary, the excessive encroachment of military jurisdiction into criminal matters, the insufficient publicity given to laws and government acts, the continued, if less blatant, repression of dissidents and opponents of the Government, the existence, albeit on a lesser scale, of torture and ill-treatment of prisoners, limitations, also on a declining scale, on the exercise of the right of assembly and other political rights, discrimination against persons belonging to distinct ethnic groups, and failure to complete procedures that would allow legal recognition of non-governmental organizations,

Encouraging the Government, the political parties and governmental and non-governmental organizations to continue their efforts in promoting and protecting human rights and fundamental freedoms,

Noting with satisfaction that in January 1997 the Government and the political parties of the opposition resumed political dialogue to revise the National Pact concluded in 1993,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1997/54) and welcomes his report and the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea provided him during his mission;

2. Expresses its appreciation of the efforts of the Government of Equatorial Guinea in welcoming the advisory and the technical assistance, which has led to some progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. Notes with interest that the continuity of the process of democratization in Equatorial Guinea has led the Government and the political parties of the opposition to resume their political dialogue in order to revise the National Pact concluded in 1993;

4. Invites the Government, in anticipation of the legislative elections for the entire House of Representatives of the People, to be held in 1998, to take all the necessary measures to guarantee transparency and respect

for the electoral law in force in Equatorial Guinea in order to facilitate the free participation of all political parties in the electoral process and, for this purpose, to continue the dialogue with all political parties, which may contribute to the advancement of the process of democratization;

5. Also invites the Government to reform the electoral legislation in accordance with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

6. Encourages the Government to pay particular attention to the enjoyment of economic, social and cultural rights;

7. Also encourages the Government to continue the positive efforts it has already undertaken to put an end to the relegation of women to an inferior position and discrimination against them, and to extend their effective participation in the educational, professional, social and political spheres;

8. Further encourages the Government to implement the recommendations made by the Special Rapporteur, inter alia with respect to:

(a) The periodic and regular publication of laws, decrees and governmental acts;

(b) Accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination;

(c) The adoption of legislative and administrative measures to guarantee the full independence and impartiality of the judiciary, to ensure due process of law and the enforcement by the security forces of judicial decisions and to put into effective operation the remedy of habeas corpus;

(d) The limitation of the jurisdiction of military courts to trying strictly military offences committed by military personnel;

(e) The transmission of precise instructions to the forces of order and security against arbitrary arrests and for respect of the right of the individual to security, integrity and freedom and to put an end to the intimidation and harassment of political party activities and of citizens in general;

(f) The immediate termination of all acts of torture and cruel, inhuman or degrading treatment or punishment and the imposition of criminal and disciplinary penalties for those responsible for such human rights violations;

(g) The dismantling of police and military checkpoints responsible for such human rights violations;

(h) The termination of the impunity of those responsible in various ways for human rights violations;

(i) Opposition to any sign or symptom of discrimination against ethnic minorities;

9. Welcomes the improvement in the conditions of prisoners and detainees introduced by the authorities, and requests that these efforts continue in accordance with the Special Rapporteur's recommendations;

10. Requests the United Nations High Commissioner for Human Rights/Centre for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights;

11. Requests the Centre for Human Rights and the Special Rapporteur to continue their technical assistance projects in partnership with the Government of Equatorial Guinea, in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights;

12. Decides to renew the mandate of the Special Rapporteur for one year;

13. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

14. Requests the Special Rapporteur to report to the Commission at its fifty-fourth session;

15. Decides to consider the question at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997

[Adopted without a vote. See chap. X.]

1997/68. Report of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/141 of 20 December 1993, establishing the mandate of the United Nations High Commissioner for Human Rights for the promotion and protection of all human rights,

Reaffirming its commitment to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling its resolution 1996/78 of 23 April 1996 in which it requested the High Commissioner for Human Rights to continue to report to the Commission about the measures taken and the progress made in the implementation of the Vienna Declaration and Programme of Action,

Noting the decisive and important role played by the United Nations High Commissioner for Human Rights, in accordance with General Assembly resolution 48/141, in order to remove the obstacles and meet the challenges in the promotion of all human rights and in preventing persistent violations of human rights around the world, as reflected in the Vienna Declaration and Programme of Action,

Having examined the report of the United Nations High Commissioner for Human Rights (E/CN.4/1997/98 and Add.1),

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights, entitled "Building a partnership for human rights" (E/CN.4/1997/98 and Add.1);

2. Thanks the High Commissioner for Human Rights for his efforts in strengthening the United Nations activities in the field of human rights, in spite of the prevailing financial constraints;

3. Recognizes the efforts of the High Commissioner in enhancing the Centre for Human Rights and in endowing it with an adequate administrative structure, which allows it to put into practice the promotion and protection of all human rights and fundamental freedoms;

4. Recognizes the importance of continuing to support the High Commissioner/Centre for Human Rights in its activities, taking into account that the duplication of its functions must be avoided because they constitute an integral part of the United Nations for the promotion and protection of all human rights;

5. Expresses its satisfaction at the constructive manner in which the United Nations High Commissioner for Human Rights has carried out his functions;

6. Decides to continue the consideration of this question at its fifty-fourth session under the same agenda item.

67th meeting
16 April 1997
[Adopted without a vote. See chap. XXII.]

1997/69. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, as well as its resolution 1994/95 of 9 March 1994, in which the Commission decided to revie annually the progress towards the full implementation of the recommendation contained in the Vienna Declaration and Programme of Action,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the organization,

Recalling Part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to hi on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling also that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action, and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme o Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approac throughout the United Nations system,

Noting that the High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with agreed conclusions 1995/1 of the Economic and Social Council,

Recalling its resolution 1996/78 of 23 April 1996, as well as Economic and Social Council decision 1996/283 of 24 July 1996,

Having considered the report of the High Commissioner for Human Rights (E/CN.4/1997/98 and Add.1), in particular chapter VIII, entitled "1998 - Human Rights Year",

1. Reaffirms the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

2. Recognizes that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

3. Calls upon all States to take further action with a view to the full realization of all human rights in the light of the recommendations of the Conference;

4. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, in particular in the context of the public information and human rights education activities for the fiftieth

anniversary of the Universal Declaration of Human Rights, including through training programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

6. Requests the High Commissioner for Human Rights, the General Assembly and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

7. Requests the High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

8. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner, in particular in the context of the preparations for the 1998 five-year review;

9. Takes note of the intention of the High Commissioner to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action, as part of the five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

10. Calls upon all States to contribute actively to the preparations of the 1998 five-year review;

11. Welcomes the inter-agency coordination of the High Commissioner with all United Nations programmes and agencies whose activities deal with human rights for the preparations of the 1998 five-year review, and calls upon them to contribute actively to this process;

12. Encourages regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

13. Welcomes and supports Economic and Social Council decision 1996/283 of 24 July 1996, in which the Council endorsed the recommendation of the Commission to consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

14. Requests the High Commissioner to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the 1998 five-year review;

15. Decides to consider this question at its fifty-fourth session, under the agenda item entitled "Follow-up to the World Conference on Human Rights".

67th meeting
16 April 1997

[Adopted without a vote. See chap. XXII.]

1997/70. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1996/81 of 23 April 1996, in which it authorized further meetings of the working group,

Recalling further that the World Conference on Human Rights recommended speedy completing and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all interested States and intergovernmental and non-governmental organizations before finalizing the draft declaration,

Conscious also of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Takes note of the report of the working group (E/CN.4/1997/92);

2. Urges the working group, without prejudice to the importance of working towards consensus, to complete its task promptly and submit the draft declaration to the Commission;

3. Decides to continue its work with a view to adopting the draft declaration at its fifty-fourth session;

4. Also decides to make available an appropriate meeting time for the working group prior to and during the fifty-fourth session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption;

"The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/70 of 16 April 1997,

1. Authorizes the open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the fifty-fourth session of the Commission in order to finalize its elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings."

67th meeting
16 April 1997
[Adopted without a vote. See chap. XX.]

1997/71. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection its resolutions 1991/45 of 5 March 1991 and 1993/91 of 10 March 1993,

Referring to decision 1994/108 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Taking note of the adoption by the Council of Ministers of the Council of Europe, on 19 November 1996, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Biomedicine,

Taking note of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is

intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. Takes note with satisfaction of the report of the Secretary-General (E/CN.4/1995/74);

2. Invites Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights and beneficial to humanity as a whole;

3. Also invites Governments to inform the Secretary-General of legislative or other measures taken to this end;

4. Draws the attention of Governments both to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole and to the need to safeguard the rights of the individual and his dignity as well as his identity and unity, and to the need to protect the confidentiality of genetic data concerning a named person;

5. Invites Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications; it also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the agenda item "Human rights and scientific

and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and beneficial to humanity as a whole and to make recommendations to that effect;

7. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at its fifty-fifth session.

67th meeting
16 April 1997
[Adopted without a vote. See chap. XII.]

1997/72. Right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Noting also that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Emphasizing that all human rights are universal, indivisible and interdependent and interrelated; the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis; while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Underlining also that the implementation of the Declaration on the Right to Development requires effective development policies and support at the international level through the effective contribution of States, organs and organizations of the United Nations systems and of non-governmental organizations active in this field,

Recalling its resolution 1996/15 of 11 April 1996, in which it decided to establish an intergovernmental group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development, and General Assembly resolution 51/99 of 12 December 1996,

Recognizing that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that the realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141,

Recognizing the need for the Intergovernmental Group of Experts to implement its mandate in all its aspects,

Taking into account the conclusions reached by the Intergovernmental Group of Experts on international and national aspects of the right to development,

Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes and national development strategies and policies and activities of international organizations,

Affirms the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process,

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights;

2. Recognizes that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights;

3. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

4. Also urges all States to further promote the right to development as a vital element in a balanced human rights programme;

5. Requests the High Commissioner for Human Rights to:

(a) Examine ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) Disseminate the present resolution to all Governments, intergovernmental organizations, non-governmental organization, members of treaty bodies and academic institutions, inviting views on ways and means as specified in subparagraph (a) above, including the Declaration's relationship with important human rights instruments, such as those constituting the International Bill of Human Rights;

6. Reaffirms the need for States to cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all, without any distinction as to race, sex, language or religion;

7. Calls upon the High Commissioner to continue to accord priority to the right to development and provide commensurate support in terms of staff, services and resources for its programmatic follow-up, within his mandate;

8. Requests the High Commissioner to ensure widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide, inter alia through workshops and seminars;

9. Recommends that activities being organized as part of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights should, inter alia, project the role and importance of the right to development;

10. Invites the High Commissioner to continue to consult regularly, on a formal or informal basis, with all States on the follow-up to the Declaration on the Right to Development and to request them to inform the High Commissioner of their efforts to implement the Declaration;

11. Notes that the High Commissioner for Human Rights has initiated a dialogue with the World Bank with regard to the right to development, and in this connection stresses that:

(a) Such a dialogue should contribute to identifying the obstacles to the full implementation of the Declaration on the Right to Development;

(b) Such discussions should contribute to initiatives, policies, programmes and activities that promote the right to development;

(c) Such discussions should also focus on mainstreaming a gender perspective in the implementation of the Declaration on the Right to Development regarding developing assistance;

(d) And calls upon the High Commissioner to inform Member States on a regular basis through informal meetings on the progress of the dialogue;

12. Welcomes the initiative of the High Commissioner to organize regional seminars, and calls upon the High Commissioner to ensure that such seminars focus on all aspects of the realization of the right to development;

13. Notes the procedures adopted by the Working Group of Intergovernmental Experts in the conduct of its work during its first session and the report (E/CN.4/1997/22) it submitted to the Commission on Human Rights at its fifty-third session and calls upon the Working Group to:

(a) Encourage participation of Member States, international institutions and non-governmental organizations in its deliberations, inter alia through a greater use of public meetings;

(b) Continue to implement its mandate contained in Commission on Human Rights resolution 1996/15, namely the elaboration of a strategy for the implementation and promotion of the right to development as set forth in the Declaration on the Right to Development;

(c) Continue to give due consideration to recommendations for the elimination of obstacles already identified to the realization of the right to development;

(d) Continue to explore ways and means for the promotion of international cooperation, dialogue and partnership for the realization of the right to development;

(e) Give due consideration to the possibility of establishing a follow-up mechanism, or enhancing existing ones, to the Declaration on the Right to Development;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session a comprehensive report on the implementation of the various provisions of the present resolution.

67th meeting
16 April 1997
[Adopted without a vote. See chap. VI.]